

500 KAR 2:020. Filing and processing SLEO commissions.

RELATES TO: KRS 61.900-61.930

STATUTORY AUTHORITY: KRS. 61.904

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.904 authorizes the Secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations that are reasonable and necessary to carry out the provisions of KRS 61.900 to 61.930. This administrative regulation establishes the criteria and procedures required for filing and processing applications for commissions to be a special law enforcement officer.

Section 1. Definitions. (1) "Cabinet" means the Justice and Public safety Cabinet.

(2) "SLEO Act" means the Special Law Enforcement Officer Act found in KRS 61.900 to 61.930.

(3) "SLEO program administrator" means the person designated or appointed by the Secretary of the Justice and Public Safety Cabinet to administer the Special Law Enforcement Officer Program whose address is: SLEO Program Administrator, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601.

Section 2. Qualifications to Apply for Commission as a Special Law Enforcement Officer. To qualify for a commission as a special law enforcement officer pursuant to KRS 61.900 to 61.930, an individual shall comply with the conditions and requirements set forth in KRS 61.906.

Section 3. Application for Commission as a Special Law Enforcement Officer. (1) An applicant shall meet all of the requirements of the SLEO Act before a commission is granted.

(2) An applicant shall provide to the governmental unit two (2) complete signed and notarized SLEO Application Forms (SLEO-1).

(3) The governmental unit shall submit both application forms to the Justice and Public Safety Cabinet SLEO Program Administrator.

(4) The application forms shall contain the following information:

(a) The name, address, telephone number, and detailed personal description of and information about the applicant; and

(b) All arrests and convictions, including traffic offenses committed within the past ten (10) years, violations, misdemeanors, or felonies as requested on the application and any other information necessary to conduct a criminal history check.

(5) Any false, misleading, or withholding of information requested on the application or by the cabinet investigator may be grounds for rejection without further consideration.

Section 4. Additional Requirements. (1) In addition to the application form, an applicant shall provide to the governmental unit who shall submit to the SLEO Program Administrator the following with his or her application:

(a) A copy of the applicant's high school diploma or GED;

(b) A certified copy of the applicant's birth certificate;

(c) Two (2) recent photographs of the individual (full face) measuring not larger than three (3) inches by five (5) inches and taken within the last thirty (30) days of the date the application is submitted;

(d) If the applicant is a veteran, a copy of his or her military release (Form DD-214);

(e) An Authority to Release Information Form, SLEO-2, which allows the release of all necessary information to the SLEO program administrator. It shall be signed by the applicant and witnessed by a second person;

(f) A Letter of Intent Form, SLEO-3, completed by the governmental unit giving the name of the applicant, the specific public property to be protected, and the signature of the authorizing official of the requesting governmental unit;

(g) Proof that the applicant has completed a recognized course and is certified in first aid and CPR. This requirement may be waived if the agency hiring the applicant has full-time EMT's on staff; and

(h) The application fee.

(2) If not on file from a previous application, an applicant shall be fingerprinted at the AFIS Section, Kentucky State Police, 1250 Louisville Road, Frankfort, Kentucky 40601.

(3) The applicant shall arrange for and be interviewed by the SLEO program administrator before a commission is granted.

(4) All SLEO applicants shall sign and the governmental unit shall submit to the cabinet the SLEO Acknowledgement Notice Form, SLEO-4, which indicates that he:

(a) Has received, read, and understands:

1. Provisions of the SLEO Act, KRS 61.900-61.930;

2. Administrative regulations in 500 KAR Chapter 2;

3. Penalties imposed for violating the SLEO Act and its administrative regulations; and

4. KRS 61.300, 61.990, 61.991, 62.010, and 62.990;

(b) Acknowledges that his authority is limited and restricted under the SLEO Act; and

(c) Understands and acknowledges that his commission as a SLEO does not give him the right or authority to carry a concealed weapon off the premises of the public property, unless he holds a license to carry a concealed deadly weapon issued pursuant to KRS 237.110 or meets the requirements of 18 U.S.C. 926B or 926C.

Section 5. Fees. (1) All fees required by KRS 61.908 shall be paid in advance and are nonrefundable.

(2) Fees shall be paid in the form of a check or money order payable to the Kentucky State Treasurer.

Section 6. Approval of Application. (1) If the applications and all required documents are in order, and if the criminal history information record review and background investigation are favorably completed, the governmental unit for whom the SLEO applicant will be employed shall notify the Department of Criminal Justice Training concerning any training the applicant needs in order to satisfy the requirements of KRS 61.906(2)(f).

(2) In notifying the Department of Criminal Justice Training, the governmental unit shall describe the training needed by the applicant. The Department of Criminal Justice Training shall schedule and conduct the training and collect the related fees as prescribed in KRS 61.908(3), (4), and (5). An applicant who has successfully completed the training previously shall not be required to repeat the course.

(3) The Department of Criminal Justice Training shall notify the governmental unit of the results of the training upon completion.

Section 7. Receipt of Defective or Falsified Application. (1) If the application is defective or in conflict with the SLEO Act or its administrative regulations, 502 KAR Chapter 2, the cabinet shall notify the governmental unit.

(2) An application may be corrected and resubmitted at no additional cost if it is resubmitted within sixty (60) days of the date the applicant is sent notice of the deficiencies by the program administrator.

(3) An application that has been falsified or contains material omissions or contains incomplete

information may be rejected and the applicant shall be prohibited from submitting an application for commission as a SLEO for one (1) year.

Section 8. The Grant of the Commission and the Required Oath of Office. (1) A commission for a special law enforcement officer shall be validated and granted as follows:

(a) If the applicant has successfully satisfied the requirements of the act and a commission has been recommended, a commission certificate and the recommendation shall be forwarded by the SLEO program administrator to the secretary for review.

(b) After the commission is issued by the secretary, a copy of the commission shall be placed in the officer's file maintained by the cabinet.

(2) The governmental unit shall be notified that the commission has been granted.

(a) One (1) of the original applications and two (2) County Clerk Oath verification forms (SLEO-6) shall be forwarded by the cabinet to the governmental unit whose property is to be protected.

(b) The governmental unit shall arrange for the appointed applicant to take the oath of office.

(3) The appointed applicant shall take:

(a) One (1) of the applications and the two (2) County Clerk Oath verification forms to the county clerk in the county where the applicant is to serve; and

(b) The constitutional oath of office within thirty (30) days after notice of appointment.

(4) The county clerk shall then:

(a) Complete and sign the clerk's attestation on both SLEO-6s;

(b) Retain the application and one (1) of the County Clerk Oath verification forms, for filing purposes in the county clerk's office; and

(c) Give the second County Clerk Oath verification form, signed by the clerk, to the applicant.

(5) The applicant shall return the second County Clerk Oath verification form, signed by the Clerk, to the governmental unit. The governmental unit shall return it to the cabinet SLEO program administrator within thirty (30) days to indicate that the oath was administered and that the application and oath verification form are filed with the county clerk.

(6) Upon receipt of the oath verification, the commission certificate shall be forwarded by the cabinet to the governmental unit whose property is to be protected.

(7) If the second County Clerk Oath verification form, signed by the clerk, is not returned within thirty (30) days, the commission shall be null and void and the applicant shall be required to repeat the application process.

(8) The applicant shall not exercise the authority of a SLEO until the governmental unit has received the commission certificate from the cabinet.

(9) The commission certificate shall be kept by the governmental unit so long as the officer is employed or until his or her authority is terminated by action of the government unit or the cabinet secretary.

(10) The SLEO Commissions shall be issued for a period of two (2) years if the officer continues to meet all statutory and regulatory criteria.

(11) After the governmental unit has received the SLEO commission certificate, the governmental unit shall issue an identification card which is to be carried by the SLEO officer whenever he or she is acting under the authority of KRS 61.900-61.930.

(12) The identification card shall be:

(a) Presented as requested by any duly sworn peace officer or cabinet official;

(b) Subject to control by the cabinet; and

(c) Comply with the provisions of Section 11(5) of this administrative regulation.

(13) If for any reason a SLEO officer is terminated or otherwise relieved of his duties as a SLEO officer by the governmental unit or the cabinet, he or she shall immediately return this identification card to the officer's governmental unit.

- (14) The SLEO commission certificate shall be held by the governmental units and shall:
- (a) Be available for inspection by the cabinet program administrator or his designee;
 - (b) Remain the property of the cabinet; and
 - (c) Be returned upon the officer's authority being withdrawn for any reason.

Section 9. Special Provisions. (1) Special Local Peace Officers meeting the requirements of KRS 61.906(2)(f)3 may apply for commission as a SLEO in the following manner:

- (a) An official for the governmental unit shall sign and submit a new set of applications with the filing fee on behalf of the applicant; and
 - (b) The applicant shall undergo a current background investigation.
- (2) Training waiver. A SLEO applicant may apply for a training waiver by providing sufficient proof of past police experience, or military records, or examination records, that substantiates that the applicant meets the waiver requirements set forth in KRS 61.906(2)(f)2.

Section 10. Renewals. (1) A letter of intent from the governmental unit stating its request to renew a commission and two (2) complete signed and notarized SLEO Renewal Application Forms (SLEO-5) for each individual involved shall be filed with the cabinet program administrator at least sixty (60) days before the expiration date of the existing commission.

- (2) The applicant for renewal shall undergo a background investigation to bring his records up-to-date.

Section 11. Governmental Units Employing SLEO Officers - Records, Reports, and Responsibility.

- (1) All governmental units employing SLEO officers shall:
 - (a) Keep their files current as to the expiration date on each officer's commission;
 - (b) Keep the individual officer's commission certificates on file, to be returned to the cabinet upon termination of the officer and his authority;
 - (c) Provide proof to the SLEO program coordinator at the time of request for renewal that its SLEOs:
 - 1. Are currently certified in First Aid and CPR unless this requirement is waived pursuant to Section 4(1)(g) of this administrative regulation; and
 - 2. Have met the same marksmanship qualification required of certified peace officers in KRS 15.383; and
 - (d) Mail or e-mail to the SLEO program administrator by June 30 of each year:
 - 1. A current list of all active SLEO personnel; and
 - 2. The number of arrests made or citations issued by the agency the previous calendar year.
- (2) The unit shall post a copy of the SLEO administrative regulations, 500 KAR Chapter 2, and a copy of KRS 61.900-61.930, 61.990, and 61.991 of the SLEO Act in a conspicuous location in any office or building that is designated security headquarters for persons operating as SLEO officers.
- (3) Complaints or unusual incidents involving SLEO officers shall be handled by the governmental unit whose public property is being protected by the SLEO officer involved except:
 - (a) The governmental unit shall notify the cabinet SLEO program administrator by:
 - 1. Direct verbal communication within twenty-four (24) hours of any reported incident involving the misconduct or unlawful act by any of its SLEO officers; and
 - 2. A follow-up written report to be filed with the SLEO program administrator, within thirty (30) days of the original oral report, setting forth the details of the incident and listing any action taken by governmental unit; and
 - (b) If formal charges are pending, the unit or agency shall advise the SLEO program adminis-

trator as to the specific charge, trial date, and the final disposition of the charge.

(4) The unit shall issue each SLEO officer an identification card upon the individual's appointment. The identification card shall be:

(a) Encased in plastic;

(b) Billfold size (approximately two and one-fourth (2 1/4) inches by three and one-half (3 1/2) inches); and

(c) Composed as follows:

1. One (1) side containing the following language: "The holder of this card has been commissioned as a Special Law Enforcement Officer (SLEO), pursuant to KRS 61.902. As a SLEO, the holder of this card is deemed to be a peace officer within the meaning of KRS 527.020 and may exercise the powers of a peace officer in accordance with KRS 61.900 to 61.930"; and

2. The other side containing a full-faced photograph of the officer with his or her:

a. Name;

b. Identification or notation that the officer has been commissioned a "Special Law Enforcement Officer";

c. Governmental unit employing the officer;

d. Badge number, if any; and

e. Signature of the officer's chief, supervisor, or employer.

(5) The unit shall obtain and destroy the identification card from any officer whose employment is terminated.

Section 12. Violations. (1) All governmental units utilizing SLEO's shall be subject to inspection and investigation by the Cabinet as circumstances may warrant for possible violations.

(2) Violations may result in prosecution and recommendation to the secretary of the cabinet that the commission be revoked.

Section 13. Revocation or Suspension of SLEO Commissions. (1) A SLEO may have his or her commission suspended or revoked in accordance with KRS 61.910.

(2) The program administrator shall notify the secretary of any violations of KRS 61.910, who shall send written notice of the alleged violation to the:

(a) SLEO; and

(b) Governmental unit employing the SLEO.

(3) The notice of alleged violation shall be sent to the SLEO and employing governmental unit by certified mail, return receipt requested.

(4) The SLEO may request an administrative hearing before the secretary before suspension or revocation is imposed. The request for hearing shall be in writing and shall be received by the Secretary within thirty (30) days of receipt by the SLEO of the notice of intent to seek suspension or revocation.

(5) The secretary shall suspend or revoke the commission of a SLEO who fails to request an administrative hearing within the thirty (30) day time period.

(6) All administrative hearings shall be conducted in accordance with KRS Chapter 13B.

(7) The cabinet may temporarily suspend the commission of a SLEO prior to holding a hearing pursuant to KRS Chapter 13B if the cabinet believes that the safety of the public requires that action. If a commission is temporarily suspended prior to holding a hearing pursuant to KRS Chapter 13B, the cabinet shall hold a Chapter 13B hearing not later than thirty (30) days from the date of the temporary suspension unless the SLEO requests an extension for a time certain. If the SLEO requests an extension for a time certain, then the commission shall remain suspended until the conclusion of the hearing.

(8) If a SLEO commission is suspended or revoked:

(a) The SLEO program administrator shall notify the governmental unit involved to return the commission of the SLEO officer;

(b) The governmental unit responsible for the SLEO officer shall forward a letter to the officer stating that:

1. His or her commission has been revoked or suspended; and

2. He or she shall immediately return the SLEO identification card to the governmental unit;

(c) Upon receipt of the card, the governmental unit shall destroy it; and

(d) The program administrator shall notify the county clerk in the officer's county of jurisdiction.

Section 14. Procedures for Investigating Complaints or Unusual Incidents Involving SLEO Officers.

(1) Complaints or unusual incidents involving SLEO officers shall be handled by the governmental units whose public property is being protected by the SLEO officer involved. The governmental unit shall notify the cabinet of all incidents involving their SLEO personnel as required by Section 11(3) of this administrative regulation.

(2) The cabinet program administrator or other assigned officers may investigate any and all complaints or unusual incidents involving SLEO officers, if there is reason to believe the provisions of KRS 61.900-61.930, 61.990, 61.991, or 500 KAR Chapter 2, or other applicable laws or administrative regulations have been violated and an investigation is necessary.

(3) Any investigation conducted by the cabinet shall become part of the official record of the SLEO officer involved.

Section 15. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "SLEO Application Candidate Information Form", SLEO-1, July 1, 2010;

(b) "Authority to Release Information Form", SLEO-2, April 13, 2009;

(c) "Letter of Intent Form", SLEO-3, June 3, 2009;

(d) "SLEO Acknowledgement Notice Form", SLEO-4, August 10, 2009;

(e) "SLEO Renewal Application Form", SLEO-5, July 1, 2010; and

(f) "County Clerk Oath Form", SLEO-6, July 1, 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (13 Ky.R. 449; eff. 9-4-1986; 35 Ky.R. 2817; 36 Ky.R. 582; eff. 10-2-2009; 37 Ky.R. 961; eff. 11-5-2010.)